

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

v.

DONNA M. KOZAK and
RANDALL DAVID DUE,

Defendants.

8:12CR344

MEMORANDUM AND ORDER

This matter is before the court on the defendant Due's pro se objections, Filing Nos. 271, 276, 277, and 302 to the magistrate judge's orders, Filing Nos. 263, 266, and 293, denying various motions, Filing Nos. 257, 258, 259, 260, 265, 270, 272, and 279. Defendant has been charged in a superseding indictment with six counts of filing false liens on government officials, in violation of 18 U.S.C. § 1521, and one count of conspiring to violate 18 U.S.C. § 1521. Filing No. 55, Superseding Indictment.

The magistrate judge found Due's motions, Filing Nos. 257, 258, 259, and 260, were "incomprehensible, can only be classified as legal gobbledygook, and are without merit." Filing No. 263, Order at 1. The magistrate judge further found that there was no legal basis on which to grant defendant's motion, Filing No. 265, to join this federal criminal action with a state court action. Filing No. 266, Order at 1. The magistrate judge also adopted the government's reasoning in response to the defendant's motions to compel, Filing Nos. 270, 272, and 279, finding that the defendant's motions were mere repetitions of previously and properly denied positions. Filing No. 293, Order at 1; Filing No. 292, government's brief at 3.

In response to earlier pleadings, this court has stated that, although the defendant's arguments are fairly incoherent, his contentions are based on the premise that the court lacks jurisdiction over him and has violated his Constitutional rights. See Filing No. 252, Order at 1. The court has carefully reviewed the defendant's pleadings and finds they are without merit.

This court has also noted in an earlier order that "it appears that the original and repeated filings are taken in bad faith. The record shows that defendant Due has consistently refused to recognize the court's jurisdiction, relied on the Constitution as support for untenable positions, and profoundly misconstrued the nature of criminal proceedings." Filing No. 296 at 2. It again appears that the defendant's objections are frivolous, vexatious and interposed for purposes of delay. Accordingly, the court will deny the defendant's objections. The court agrees with the magistrate judge and finds the magistrate judge's orders should be affirmed in all respects. Accordingly,

IT IS ORDERED:

1. Defendant Due's objections (Filing Nos. 271, 276, 277, and 302) are overruled.
2. The magistrate judge's orders (Filing Nos. 263, 266, and 293) are affirmed.
3. Defendant's motions (Filing Nos. 257, 258, 259, 260, 265, 270, 272, and 279) are denied.

DATED this 20th day of March, 2014.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge